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SEAGATE TECHNOLOGY LLC

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

16 IN RE SEAGATE TECHNOLOGY LLC  
LITIGATION

18 CONSOLIDATED ACTION

Case No. 3:16-cv-00523-JCS

**REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF SEAGATE'S NOTICE OF  
MOTION AND MOTION TO STRIKE  
AND FOR JUDGMENT ON THE  
PLEADINGS**

**Date:** July 7, 2017

**Time:** 9:30 a.m.

**Place:** Courtroom G

**Judge:** Hon. Joseph C. Spero

Second Consolidated Amended Complaint  
filed: July 11, 2016

**REQUEST FOR JUDICIAL NOTICE**

Pursuant to Federal Rule of Evidence 201, Defendant Seagate Technology LLC (“Seagate”) hereby requests that the Court take judicial notice of the following item in connection with Seagate’s Motions to Dismiss:

1. How long do disk drives last?, Backblaze (Nov. 12, 2013), <https://www.backblaze.com/blog/how-long-do-disk-driveslast/> referenced in Plaintiffs’ Second Consolidated Amended Complaint (“SCAC,” Dkt. 62) at p. 14, fn 5 and p. 15, fns. 6 and 7, referenced in Paragraphs 85, 87 and 88 of the SCAC, and attached hereto as **Exhibit A**.

A court may take judicial notice of facts outside the pleadings on a motion to dismiss or for judgment on the pleadings. *Mack v. South Bay Beer Distribs.*, 798 F.2d 1279, 1282 (9th Cir. 1986) (abrogated on other grounds).

The Court should take judicial notice of Exhibit A because it is a document referenced in the SCAC. *Knievel v. ESPN*, 393 F.3d 1068, 1076 (9th Cir. 2005) (under the “incorporation by reference” doctrine, courts may take judicial notice of documents “whose contents are alleged in a complaint and whose authenticity no party questions, but which are not physically attached to the [plaintiff’s] pleading” (citing *In re Silicon Graphics Inc. Sec. Litig.*, 183 F.3d 970, 986 (9th Cir. 2002).) Accordingly, the Court should take judicial notice of the document attached hereto as Exhibit A.

Dated: May 31, 2017

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By /s/ Anna S. McLean

ANNA S. McLEAN

Attorneys for Defendant  
SEAGATE TECHNOLOGY LLC